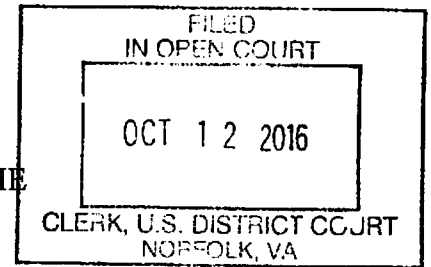


UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA)	CRIMINAL NO. 2:16cr 83
)	
v.)	18 U.S.C. §§ 152(1) & 2
)	Concealment of Assets
EDWARD O. YODER,)	
)	
Defendant.)	

STATEMENT OF FACTS

If this matter had gone to trial, the United States would have proven the charge contained in the criminal information beyond a reasonable doubt, by proof of the following facts, among others:

1. From October 5, 2012, to January 24, 2014, in the Eastern District of Virginia, defendant EDWARD O. YODER, aided and abetted by co-defendant Susan Spearman, knowingly and fraudulently concealed bankruptcy assets, in violation of Title 18, United States Code, Section 152(1), in that:

2. EDWARD O. YODER, aided and abetted by co-defendant Susan Spearman, agreed to conceal the sum of approximately \$350,000 from the chapter 7 Trustee and from EDWARD O. YODER's creditors.

3. On July 11, 2011, EDWARD O. YODER. filed a voluntary bankruptcy petition in Case No. 11-73305- SCS, in the United States Bankruptcy Court for the Eastern District of Virginia.

4. On August 22, 2011, EDWARD O. YODER filed a Schedule B – Personal Property schedule, which included under Paragraph 13: "Stock and interests in incorporated and unincorporated businesses." EDWARD O. YODER listed on that Schedule B: "153,000 shares

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of SIRIUS stock” with a current value of “\$350,000.00.” As of October 1, 2012, EDWARD O. YODER owned a taxable account in J.P. Turner & Company, including 132,950 shares of Sirius stock.

5. On January 29, 2012, the court issued a Notice of Dismissal as to EDWARD O. YODER’s Chapter 11 bankruptcy petition.

6. On or about October 3, 2012, EDWARD O. YODER transferred \$25,000 from his Monarch Bank account to Spearman, which funds were deposited into Spearman’s Monarch Bank account.

7. On or about October 5, 2012, EDWARD O. YODER caused J.P. Turner & Company to sell the aforementioned Sirius stock and to wire the proceeds to his Monarch Bank account the sum of \$339,660.19. On that same date, EDWARD O. YODER transferred from his Monarch Bank account to Spearman’s Monarch Bank account, the sum of \$330,000.

8. On December 5, 2012, EDWARD O. YODER, for the purpose of concealing the aforesaid assets, filed a chapter 7 bankruptcy petition in Case No. 12-750028- SCS in the United States Bankruptcy Court for the Eastern District of Virginia and a chapter 7 Trustee was appointed. During the course of the bankruptcy case, EDWARD O. YODER never disclosed his sale of the Sirius stock and the wiring of the proceeds to his bank account and subsequent transfer to Spearman’s account, as required by the Statement of Financial Affairs.

9. On December 19, 2012, Spearman transferred the sum of \$330,000 and an additional \$20,000, for a total of \$350,000 from her account at Monarch Bank to her account with (or associated with) the Bank of New York Mellon.

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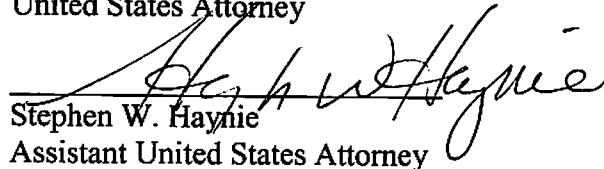
10. Between December 5, 2012 and January 24, 2014, EDWARD O. YODER disbursed, or caused to be disbursed, \$310,169.01 from Spearman's Bank of New York Mellon account to or for the benefit of EDWARD O. YODER.

11. EDWARD O. YODER knowingly and intentionally concealed these transactions from the chapter 7 Trustee and the Trustee's counsel. Despite demand from the chapter 7 Trustee's counsel, EDWARD O. YODER failed to deliver or account for the balance of the funds.

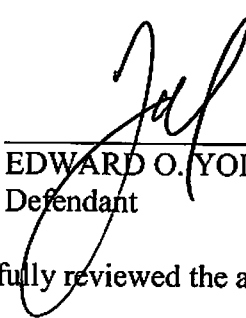
Respectfully submitted,

Dana J. Boente
United States Attorney

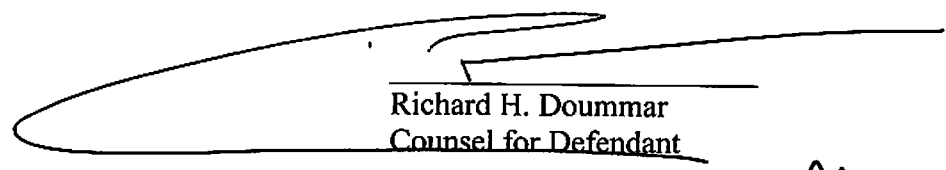
By:


Stephen W. Haynie
Assistant United States Attorney

After consulting with my attorney, I hereby stipulate that the above statement of facts is true and accurate, and that had the matter gone to trial, the United States would have proved the same beyond a reasonable doubt.


EDWARD O. YODER
Defendant

I am EDWARD O. YODER's attorney. I have carefully reviewed the above statement of facts with the defendant. To my knowledge, the defendant's decision to stipulate to these facts is an informed and voluntary one.


Richard H. Doummar
Counsel for Defendant